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MONTANA LEGISLATIVE HISTORY

Chapter 502 19 85

Bill H _____ S 402 Original bill & history ___C

H. Committee on Business & Industry		S. Committee on Labor & Employment	
Hearing Date(s) 3-22	~~C~~	Hearing Date(s) 2-21	~~C~~
3-26	~~C~~	2-22	~~C~~
3-28	~~C~~	_____	___C
_____	___C	_____	___C
Date Out _____	___C		

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

TRANSMITTED TO HOUSE
2/27 REFERRED TO TAXATION
3/20 HEARING
DIED IN COMMITTEE

SB 402 INTRODUCED BY FULLER, MAZUREK, LYNCH
AUTHORIZE CERTAIN WORKERS' COMPENSATION LUMP-SUM SETTLEMENTS

2/12 INTRODUCED
2/13 REFERRED TO LABOR & EMPLOYMENT RELATIONS
2/21 HEARING
2/22 COMMITTEE REPORT-BILL PASS AS AMENDED
2/26 2ND READING PASS 48 0
2/27 3RD READING PASS 50 0

TRANSMITTED TO HOUSE
3/06 REFERRED TO BUSINESS & LABOR
3/22 HEARING
3/28 COMM REPORT-BILL CONCURRED AS AMENDED
3/30 2ND READING CONCURRED 92 0
4/01 3RD READING CONCURRED 100 0

RETURNED TO SENATE WITH AMENDMENTS
4/03 2ND READING AMENDMENTS CONCURRED 50 0
4/05 3RD READING AMENDMENTS CONCURRED 45 0
4/11 SIGNED BY PRESIDENT
4/11 SIGNED BY SPEAKER

4/12 TRANSMITTED TO GOVERNOR
4/16 SIGNED BY GOVERNOR
CHAPTER NUMBER 502 EFFECTIVE DATE: 10/01/85

SB 403 INTRODUCED BY HALLIGAN, TOWE, J. HAMMOND
MONTANA COMMUNITY DEVELOPMENT BOARD CREATION - POWERS AND DUTIES

2/13 INTRODUCED
2/13 REFERRED TO BUSINESS & INDUSTRY
2/13 FISCAL NOTE REQUESTED
2/19 FISCAL NOTE RECEIVED
2/19 HEARING
2/20 TABLED IN COMMITTEE

SB 404 INTRODUCED BY YELLOWTAIL, LANE, HALLIGAN
PERMITTING BOARD OF REALTY REGULATION TO CHANGE LICENSE RENEWAL DATE
BY REQUEST OF BOARD OF REALTY REGULATION

2/13 INTRODUCED
2/13 REFERRED TO BUSINESS & INDUSTRY
2/13 FISCAL NOTE REQUESTED
2/18 FISCAL NOTE RECEIVED
2/18 HEARING
2/21 COMMITTEE REPORT-BILL DO PASS
2/21 STATEMENT OF INTENT ATTACHED
2/23 2ND READING PASS 47 0
2/25 3RD READING PASS 48 0

TRANSMITTED TO HOUSE

CHAIRMAN--LYNCH, J. D.
NORMAL SCHEDULE==> SITE: ROOM 413/415 DAYS: TU-TH-SAT TIME: 1:00-3:00 P.M.
SECRETARY-DAILY, BETH

--BILL NO---	REFER DATE---	HEARING DATE---	CONSIDERATION DATES----------	COMMITTEE ACTION----------	REREFERRED TO COMM----	DATE OUT-
SB0281	1/30	2/20	2/5 , 2/6, 2/14, 2/21	PASS AS AMENDED		2/20
FULLER, DAVID E.			LIMIT LUMP-SUM WORKERS' COMPENSATION PAYMENT			
SB0337	2/07	2/12	2/12	DO PASS		2/12
BLAYLOCK, CHET			CHANGE METHOD OF COLLECTING UNPAID UNEMPLOYMENT COMPENSATION CONTRIBUTIONS			
SB0341	2/07	2/12	2/12	PASS AS AMENDED		2/12
HAFFEY, JACK			AUTHORIZES CHANGE IN WORKING HOURS OF PRISON EMPLOYEES			
SB0356	2/08	2/19	2/22 2/19, 2/21	PASS AS AMENDED		2/22
STEPHENS, STAN			WORKERS' COMP. EXEMPTION; INDEPENDENT CONTRACTOR WITH NEWSPAPER			
SB0362	2/08	2/19	2/21	DO PASS		2/21
HAFFEY, JACK			RAISE MINIMUM WAGE TO $3.05 10-1-85, TO FEDERAL MINIMUM RATE ON 10-1-86			
SB0393	2/12	2/19	2/21, 2/19	ADVERSE REPORT		2/22
KEATING, THOMAS F.			ABOLISHING LABOR APPEALS BD.; REVISING UNEMPLOYMENT COMP. BENEFIT PROVISIONS			
SB0402	2/13	2/21	2/22 , 2/21	PASS AS AMENDED		2/22
FULLER, DAVID E.			AUTHORIZE CERTAIN WORKERS' COMPENSATION LUMP-SUM SETTLEMENTS			
SB0409	2/14	2/21	2/22 , 2/21	PASS AS AMENDED		2/22
FARRELL, WILLIAM E.			WORKERS' COMPENSATION MEDICAL EXAMS AND EXPENSES			
SB0430	2/16	2/21	2/22 , 2/21	ADVERSE REPORT		2/22
TOWE, THOMAS E.			MONTANA COAL MINE SAFETY ACT OF 1985			
SB0440	2/16	2/21	2/22 , 2/21	PASS AS AMENDED		2/22
WILLIAMS, BOB			ALLOW EMPLOYERS TO OPERATE AS SELF-INSURED UNDER WORKERS' COMPENSATION ACT			
SB0447	2/19	2/21	2/22, 2/21	DO PASS		2/22
MANNING, RICHARD E.			SUITABLE WORK FOR UNEMPLOYMENT COMP. PURPOSES, CONFORM STATE TO FED. LAW			

Chairman Lynch resumed the chair.

CONSIDERATION OF SENATE BILL 409:

Chairman Lynch called on Senator Bill Farrell, sponsor of Senate Bill 409. SB 409 clarifies the statute regarding examination of injured workers by a physician to determine their physical condition and ability to work. Senator Farrell offered amendments. (See EXHIBIT 3)

PROPONENTS:

George Wood, Executive Secretary of Montana's Self-Insurer's Association, rose in support of the bill as amended.

Chad Smith, representing Montana Hospital Association, offered amendments to Senate Bill 409. (EXHIBIT 4)

Gary Blewett, Administrator, Workers' Compensation Division, Department of Labor and Industry, rose in support of SB 409. He did not agree with the fee schedule.

OPPONENTS:

None were present.

QUESTIONS OF THE COMMITTEE:

Senator Keating asked Mr. Blewett if he could recommend a specific relative fee schedule.

Gary Blewett said he had specific guidance for setting a specific fee schedule.

Senator Keating asked if there is one that Mr. Blewett would recommend.

Gary Blewett replied, if there were to be one that you were going to adopt, this would be the one.

Senator Farrell closed on SB 409.

The hearing was closed on SB 409.

CONSIDERATION OF SENATE BILL 402:

Chairman Lynch called on Senator Dave Fuller, sponsor of SB 402. Senate Bill 402 is a simple bill. It handles emergency situations concerning who is giving the final judgement on a workers' compensation settlement.

PROPONENTS:

Norm Grossfield, representing himself, said he drafted this bill to change a decision of the Supreme Court in the case of Grimshaw v. L. Larson Company. He offered amendments as follows:

Page 1, line 19.
Following: "partial"
Insert: "indemnity"
Strike: "or permanent.

Page 1, line 20.
Strike: "total disability"

This would correct the concern of the self-insurers.

Jan VanRiper, Department of Labor and Industry, said the department supports this bill particularly as amended. There are two other bills acting in response to the Supreme Court Decision, HB 453 and 559. (See EXHIBIT 5)

George Wood, executive secretary of the Montana Self-Insurer's Association, said his organization supports SB 402 as amended and strongly supports the present practice.

Roland D. Pratt, Executive Director of Montana Restraurants Association, said his organization supports this bill.

Karl Englund, representing Trial Lawyers Association, rose in support of SB 402.

OPPONENTS:

None were present.

QUESTONS FROM THE COMMITTEE:

Senator Towe asked Mr. Grossfield why he just wants to limit it to permanent partial indemnities.

Norm Grossfield answered 99% of the cases involved are permanent partial, involving advances dealing with permanent partial benefits. Senator Towe asked if, in permanent partial, employees can get an advance but on a permanent total they can't.

Mr. Grossfield replied, you can't get an advance on permanent total benefits.

Senator Fuller closed on SB 402.

CONSIDERATION OF SENATE BILL 430:

Chairman Lynch called on Senator Tom Towe, sponsor of SB 430 which is the Montana coal mines saftey act of 1985. He read the WHEREAS

ROLL CALL

Labor and Employment COMMITTEE

48th LEGISLATIVE SESSION -- 1985 Date 2/21/85

SENATE SEAT #

	NAME	PRESENT	ABSENT	EXCUSED
1	Senator Aklestad	X		
46	Senator Blaylock	X		
9	Senator Haffey	X		
20	Senator Keating	X		
49	Senator Manning	X		
33	Senator Thayer	X		
	Sentor Towe	X		
5	Chairman Lynch	X		

Each day attach to minutes.

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
John A. Stiles	MD			
Daniel D. Murray	Orion Groups			
Jay T. Downen	Elec & Tel. Cooperatives	440	✓	
Dennis Hemmer	Dept State Lands			
Leonard Eaton	Mine Workers	430	✓	
Jim Mockler	MT Coal Council	430		✓
Jone Ebzery	Nerco Mining Co	430		✓
[illegible]	Geo Exp Fund	430	✓	
[illegible]		430	✓	
[illegible]		430		
[illegible]	Dept of Labor & Industry	402	✓	
[illegible]	" " "	430		
[illegible]	" " "	409/430 440		
[illegible]	" " "	409/430/440		
[illegible]	MT Petroleum Assoc MT Petroleum Assoc	SB 402 SB 409	✓ ✓	
[illegible]	MT STATE AFL-CIO	SB 440 SB 420	✓ ✓	
[illegible]	Dist No 22	402	✓	
[illegible]	Self	402	✓	
[illegible]	ASHECO	402	✓	

(Please leave prepared statement with Secretary)

(This sheet to be used by those testifying on a bill.)

Exhibit No. 5
February 21, 1985
SB 402

NAME: Janice S. VanRiper DATE: 2/21/85

ADDRESS: 5 So. Last Chance Gulch

PHONE: 444-6537

REPRESENTING WHOM? Dept of Labor & Industry

APPEARING ON WHICH PROPOSAL: SB 402

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENT:

This bill is preferable to HB453 and HB559, both of which also propose to amend 39-71-737 in response to Supreme Court decision Constant.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

MINUTES OF THE MEETING
LABOR AND EMPLOYMENT COMMITTEE
MONTANA STATE SENATE

February 22, 1985

The seventeenth meeting of the Labor and Employment Committee was called to order at 2:40 p.m. on February 22, 1985, by Chairman J. D. Lynch in Room 413/415 of the Capitol.

ROLL CALL: All members were present.

EXECUTIVE ACTION ON SENATE BILL 402: Senator Manning made a motion to accept the amendments to Senate Bill 402. (Exhibit No. 1) On a voice vote the amendments passed unanimously.

Senator Keating made a motion that Senate Bill 402 Do Pass As Amended. On a voice vote, the Committee voted unanimously to accept that Senate Bill 402 DO PASS AS AMENDED.

EXECUTIVE ACTION ON SENATE BILL 409: Chairman Lynch offered amendments to Senate Bill 409. (Exhibit No. 2) On a voice vote the Committee voted unanimously to accept the amendments.

Chairman Lynch asked Gary Blewett if these amendments were fine with the Department of Labor. Gary Blewett answered yes.

Senator Keating offered amendments to Senate Bill 409. (Exhibit No. 2).

Chairman Lynch ruled that the amendments include "fees" instead of "charges."

On a voice vote, the Committee voted unanimously to accept Senator Keating's amendments.

Senator Keating made a motion that Senate Bill 409 Do Pass As Amended. On a voice vote, the Committee voted that Senate Bill 409 DO PASS AS AMENDED.

Senator Keating moved that the Statement of Intent be adopted and attached. (Exhibit No. 3) On the Statement of Intent, "fees" was changed to "charges." On a voice vote, the Statement of Intent was adopted and attached.

EXECUTIVE ACTION ON SENATE BILL 440: Senator Manning made a motion to accept the amendments offered by the committee. (Exhibit No. 4) On a voice vote the Committee voted to accept the amendments.

STANDING COMMITTEE REPORT

February 22 19 35

MR. PRESIDENT

We, your committee on LABOR AND EMPLOYMENT RELATIONS

having had under consideration SENATE BILL No. 402

first reading copy (white color)

AUTHORIZE CERTAIN WORKERS' COMPENSATION LUMP-SUM SETTLEMENTS

Respectfully report as follows: That SENATE BILL No. 402

be amended as follows:

1. Page 1, lines 19 and 20.
Following: "partial" on line 19
Strike: "or" on line 19 through "disability" on line 20
Insert: "indemnity"

AND AS AMENDED

DO PASS

~~DO NOT PASS~~

SENATOR J.D. LYNCH Chairman.

(To be kept current -- post bills when entering being heard or leaving committee.) Form CS-32

STATUS SHEET

49TH LEGISLATIVE SESSION

COMMITTEE ON BUSINESS AND LABOR

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
340	3-7	3-26	3-26				3-26		
342	2-27	3-18	3-18				3-18		
343	2-27	3-15/3-18 3-29	3-29				3-29		
345	2-27	3-12	3-12				3-12		
349	2-27	3-25/3-28	3-28					3-28	
350	2-27	3-28	3-28				3-28		
353	3-7	3-21/3-27	3-27				3-27		
356	3-7	3-22/3-29 3-27/4-11		TABLED					
357	2-27	3-19/3-20	3-20				3-20		
362	2-27	3-20	3-20				3-20		
363	2-27	3-20	3-20				3-20		
399	2-27	3-27/3-28	3-28				3-28		
402	3-7	3-22/3-28 3-26	3-28					3-28	
404	2-27	3-18	3-18				3-18		
407	2-26	2-26	2-26				2-26		
408	2-27	3-25	3-25				3-25		

Use a separate sheet for Senate, House Bills, and Resolutions

MINUTES OF THE MEETING
BUSINESS AND LABOR COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 22, 1985

The meeting of the Business and Labor Committee was called to order by Chairman Bob Pavlovich on March 22, 1985 at 8:00 a.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present.

SENATE BILL 402: Hearing commenced on Senate Bill 402. Senator Dave Fuller, District #22, sponsor of the bill, explained this authorizes a lump-sum advance settlement in certain workers' compensation cases. This occurs when all parties agree payment is due and will allow a worker to get immediate payment which is deducted from the final settlement.

Proponent Jan VanRiper, Chief, State Insurance Fund Bureau, Department of Labor and Industry, distributed to committee members Exhibit 1 which is attached hereto. Ms. VanRiper explained that this amendment is necessary should House Bill 453 pass. She suggested the committee delay action on Senate Bill 402 until House Bill 453 has been approved.

Proponent Norm Grosfield, an attorney who practices in workers' compensation law, offered his support of the bill.

Proponent George Wood, Executive Secretary, Montana Self Insurers Association, stated the bill as written clarifies the issue. It allows benefits and will make what is currently happening legal.

There being no further discussion by proponents and no opponents present, all were excused by the chairman and the hearing on Senate Bill 402 was closed.

SENATE BILL 281: Hearing commenced on Senate Bill 281. Senator Dave Fuller, District #22, sponsor of the bill by request of the Department of Labor and Industry, explained that this revises the method of calculating the amount of a permanent total benefits lump-sum workers compensation payment by discounting it by 7%, compounded annually. The Willis supreme court decision changed the policy for granting lump sum payments. Previous policy sums were being discounted to present value and the supreme court said this can not be done, added Senator Fuller.

DAILY ROLL CALL

BUSINESS AND LABOR COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date March 22, 1985

NAME	PRESENT	ABSENT	EXCUSED
Bob Pavlovich	✓		
Les Kitselman	✓		
Bob Bachini	✓		
Ray Brandewie	✓		
Jan Brown	✓		
Jerry Driscoll	✓		
Robert Ellerd	✓		
William Glaser	✓		
Stella Jean Hansen	✓		
Marjorie Hart	✓		
Ramona Howe	✓		
Tom Jones	✓		
Mike Kadas	✓		
Vernon Keller	✓		
Lloyd McCormick	✓		
Jerry Nisbet	✓		
James Schultz	✓		
Bruce Simon	✓		
Fred Thomas	✓		
Norm Wallin	✓		

VISITORS' REGISTER

BUSINESS AND LABOR COMMITTEE

BILL NO. Senate Bill 402 DATE March 22, 1985

SPONSOR Senator Fuller

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
George Ward	Mt Self Insurers	✓	
Norm Grosfield	Self	✓	
Keith Olson	MT. Logging Assn	✓	
Roland Pratt	MT Petroleum Assn	✓	
Gary Blewett	Workers' Compensation	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

interest and there was question as to whether the state can be billed for collecting for job service assessments. Representative Schultz asked Mr. Wanzenried if the money will end up in Washington D.C. He explained that it will when it is in the best interest. The department will hold the money for as long as they need to and it is to the advantage of both the state and employers not to transfer the money. Representative Brandewie asked Dave Wanzenried what the rate of interest is. Mr. Wanzenried called on Harold Kansier, who explained that it is in a money market investment and draws between 8 and 9 percent. Question being called, Senate Bill 95 will BE CONCURRED IN by unanimous vote.

ACTION ON SENATE BILL 281: Representative Kadas moved DO PASS on Senate Bill 281. Second was received, Senate Bill 281 will BE CONCURRED IN with all but Representatives Driscoll and Pavlovich voting yes.

ACTION ON SENATE BILL 402: Representative Kadas moved DO PASS on Senate Bill 402 and then withdrew his motion.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 10:00 a.m.

Rep. Bob Pavlovich,
Chairman

with Representatives Hansen, Kadas and Nisbet voting no. Senate Bill 208 will BE CONCURRED IN with Representatives Ellerd, Hansen and Thomas voting no. Representative Simon moved to reconsider action on Senate Bill 208. The motion did carry with Representatives Ellerd, McCormick, Nisbet, Thomas and Glaser voting no. Representative Schultz suggested the bill be left in its original form and moved to strip all previous amendments. The motion did carry with Representatives Ellerd, Hansen and Thomas voting no. Senate Bill 208 will BE CONCURRED IN with Representatives Ellerd, Hansen and Thomas voting no.

ACTION ON SENATE BILL 399: Representative Brandewie moved DO PASS on Senate Bill 399. Representative Glaser moved the amendment proposed. The motion did fail with a voice vote being taken. Senate Bill 399 will BE CONCURRED IN with Representatives Keller, Jones, Glaser and Ellerd voting no.

ACTION ON SENATE BILL 402: Representative Driscoll moved DO PASS on Senate Bill 402. Representative Kitselman moved the amendments which did pass by unanimous vote. Senate Bill 402 will BE CONCURRED IN AS AMENDED by unanimous vote.

ACTION ON SENATE BILL 447: Representative Driscoll moved DO PASS on Senate Bill 447 and added this is a federal requirement. Second was received, Senate Bill 447 will BE CONCURRED IN by unanimous vote.

ACTION ON SENATE BILL 409: Representative Thomas moved DO PASS on Senate Bill 409. Representative Kadas moved to amend on page 3, line 19, to reinsert the stricken language as this is fairer to those injured. Representative Kadas then withdrew his motion. Senate Bill 409 will BE CONCURRED IN with all but Representative Kadas voting yes.

ACTION ON SENATE BILL 440: Representative Driscoll moved DO PASS on Senate Bill 440 and moved the amendment as proposed by the Department of Labor. Representative Thomas stated this takes away from the intent of the bill. Representative Kadas stated the department has the authority to check out self insureds and this does not fall under the title of the bill. Representative Schultz added this will effect those already insured. A voice vote defeated Representative Thomas' motion. Senate Bill 440 will BE CONCURRED IN by unanimous vote.

STANDING COMMITTEE REPORT

March 20 85
19

MR. SPEAKER

We, your committee on BUSINESS AND LABOR

having had under consideration SENATE Bill No. 402

third reading copy (blue)
color

AUTHORIZE CERTAIN WORKERS' COMPENSATION LUMP-SUM SETTLEMENTS

Respectfully report as follows: That SENATE Bill No. 402

BE AMENDED AS FOLLOWS:

1. Page 1, line 21
Following: "receiving"
Strike: "either"
Following: "total"
Strike: "or permanent total"

~~DO PASS~~
BE CONCURRED IN AS AMENDED

Rep. Bob Pavlovich, Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY